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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,476	12/23/2003	Jong-Goo Lee	678-1264	9615

7590   05/02/2007

Paul J. Farrell
DILWORTH & BARRESE, LLP
333 Earle Ovington Blvd.
Uniondale, NY 11553

EXAMINER
THERIAULT, STEVEN B

ART UNIT	PAPER NUMBER
2179	

MAIL DATE	DELIVERY MODE
05/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/743,476	LEE ET AL.
	Examiner	Art Unit	
	Steven B. Theriault	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *1* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 January 2005*.

2a)☐ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7 and 109-179* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) *1-7 and 109-179* are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　　1.☐ Certified copies of the priority documents have been received.

　　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1.   Restriction to one of the following inventions is required under 35 U.S.C. 121:

I.   Claims 1-7, 109-121, and 122-141, are drawn to a graphical interface and method for a

proactive user interface for a device containing a learning module where the learning

module detects a pattern of usage by the user to modify the display settings, classified in

class 715, subclass 745. Class 715/745 outlines Subject matter wherein the user

environment is established using memory contents developed during previous user

interactions.

II.   Claims 142-179, are drawn to an adaptive system for a computational device that

comprises a user interface, a software application controlled by the operating system and

an Artificial Intelligence framework for supporting the application and communication

between the host platform and the operating system, classified in class 706, subclass 14.

Class 706/14 contains Subject matter wherein (1) a system continually adjusts its own set

of rules (e.g., learns by example) or (2) a system that evolves in any way into a system

which continually adjusts its own set of rules.

Inventions I and II are related as subcombinations disclosed as usable together in a

single combination. The subcombinations are distinct if they do not overlap in scope and are not

obvious variants, and if it is shown that at least one subcombination is separately usable. In the

instant case, subcombination II has separate utility such as an artificial intelligence framework for

supporting the application and communications in a system along with an interface whereas

Invention I is an interface for a device without an artificial intelligence framework to support

communications between the host and operating system. See MPEP § 806.05(d).

The examiner has required restriction between subcombinations usable together. Where applicant elects a subcombination and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in accordance with 37 CFR 1.104. See MPEP § 821.04(a). Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

In the instant case, Invention I is separately usable as indicated in the use that is expressly recited in the claims – "A proactive user interface for a device comprising, an interface unit for communications between the user and the operating system and a learning module for detecting a pattern of interaction of the user with said interface unit and for proactively altering at least one function of said interface according to said pattern. That is, the interface comprises a module that remembers user inputs and modifies the interface based on the input. The prior art is seen as teaching multiple methods for modifying user interfaces via user profiles, registry files, CC/PP protocols, content indexing, portal management, etc. that do not require an artificial intelligence framework and does not overlap in scope. Invention I, fails to recite any limitations regarding: an Artificial Intelligence framework for supporting the application and communication between the host and the operating system that host the application.

Invention II is separately usable as indicated in the uses that are expressly recited in the claims – An adaptive system for a device comprising an interface, a software application, and an Artificial Intelligence framework for supporting the application and communication between the server and the operating system. A system containing an interface and an artificial intelligence framework uses a set of rules to adapt the interface program where the intelligence to modify the interface communicates with the host is clearly a narrower defined set of claims with a feature

limitation that can be implemented in a separate application. Invention II, fails to recite any

limitations that do not include an artificial intelligence framework for communicating between the

host platform and the client where the interface is adapted through a pattern of interactions

detected by a learning module. While a learning module can be artificial intelligence based the

claims in Invention, I do not preclude other forms of learning modules known in the art.

Because these inventions are distinct for the reasons given above and have acquired a separate

status in the art as shown by their different classification, restriction for examination purposes as

indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an

election of the invention to be examined even though the requirement be traversed (37 CFR

1.143).

2.   A telephone call was made to Paul Farrell on 04/05/2007 to request an oral election to the above

restriction requirement, but did not result in an election being made.

Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Steven B. Theriault whose telephone number is (571) 272-5867. The

examiner can normally be reached on M-F 7:30 - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where

this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SBT

WEILUN LO
SUPERVISORY PATENT EXAMINER